





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
STATEMENT IN SUPPORT OF REVIEW OF FINAL REJECTION

Applicant: Roger P. Jackson

Serial No.: 09/644,777

Date: May 27, 2008

Filed: August 23, 2000

Group Art Unit: 3732

Exam: Candice Melson

For: THREADFORM FOR MEDICAL IMPLANT CLOSURE

-----  
Kansas City, Missouri

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is in support of applicant's Request of Review of the final action of the above captioned application.

The present application has passed through a torturous prosecution since filing on August 23, 2000. Included in the prosecution has been notice of the allowability of claims (for example, see action of June 3, 2003) and the withdrawal of such indication of allowability, as well as lengthy delays.

The present rejection is under 102(e) as anticipated by Morrison (6,296,642). It is readily accepted that the basic concept of Morrison is the same as that of the present application. However, applicant conceived of the invention prior

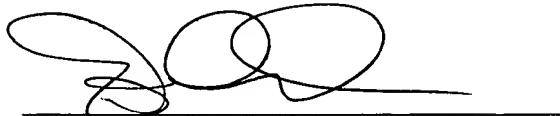
to Morrison and even disclosed the invention to Morrison's assignee through engineers of the assignee who were working with applicant and were located in applicant's office for a period of several years. This disclosure long predicated Morrison even joining the assignee. Applicant also reduced the invention to practice prior to the filing of the Morrison application, as is supported by the various declarations and evidence previously filed in an attempt to "swear back" of the filing date of the Morrison application.

The Examiner has taken the position that the evidence submitted to date in multiple declarations is insufficient to establish a reduction to practice prior to the effective filing date of the Morrison reference. Applicant respectfully disagrees and believes that the evidence submitted does show a reduction to practice before the effective date of Morrison and requests review of the Examiner's decision prior to taking the matter to the Board of Appeals.

It is noted that a request has been made to the Examiner to explain why the evidence submitted to date has been insufficient so that applicant could either supplement the record, if additional information or evidence were found to be available, or so that applicant could rebut the Examiner's position; however, no such explanation has been provided.

Review and reconsideration of the decision of December 26, 2007 is respectfully requested.

Respectfully Submitted,



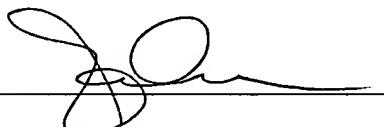
John C. McMahon  
Reg. No. 29,415  
Attorney

JCM:lm  
PO Box 30069  
Kansas City, Missouri  
64112  
Phone: (816) 531-3470

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop AF  
Commissioner For Patents,  
P.O. Box 1450,  
Alexandria, VA 22313-1450 on  
May 27, 2008.

Roger P. Jackson  
(Applicant)

By



May 27, 2008

(Date of Signature)